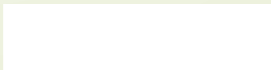
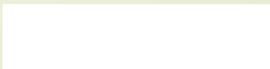




The Standard Conditions of Pretrial Release, a Step-by-Step Guide to Perpetuating the Cycle of Mass Incarceration in the 4th Circuit.

Presentation: 

Editing: 

Creative Inspiration: 

Additional Credits: 



Why Should We Care?

- Punishment should be applied equally, regardless of economic status, and should be proportionate to the alleged conduct behind a criminal charge.
- The current implementation is counterproductive towards keeping the community safe and perpetuates mass incarceration.
- Ineffective oversight and mass incarceration is a substantial and unnecessary drain on public resources.
- Problems inherent in the current system of pretrial oversight are relatively easy to fix, with the harms caused by such ineffective oversight relatively being easy to mitigate.



What are the Most Problematic Standard Conditions of Pre-Trial Release?

- Defendants must refrain from the using controlled substances, including alcohol, and submit to both scheduled and random drug and alcohol testing.
- Defendants must maintain employment and regularly check in with pre-trial supervision officers.
- Defendants must abide by a curfew and stay within specified geographic constraints.
- Defendants may be required for forfeit certain money and property.
- Defendants may have to undergo Mandatory medical treatments – including substance abuse and temporary chemical castration.

The Standard Conditions in Legal Practice

- The Standard Conditions are generally issued unenumerated, based on court specific standing judicial order rather than statute.
- Enforcement of the Standard Conditions is dramatically under resourced, with many federal districts lacking the personnel and monitoring equipment necessary for pre-trial supervision.
- After issuance, enforcement of the Standard Conditions is Inflexible, with possible punishment for life's unexpected occurrences.



The Standard Conditions in “Ordinary” Life

- Compliance with the Standard Conditions makes it difficult if not impossible to maintain employment.
- The impact of the Standard Conditions is disparate based on a Defendant’s wealth, existing support network, and race.
- The Standard Conditions make it impossible for a defendant to maintain any social and family life.
- The pressure to comply with the Standard Conditions leads innocent defendants to take plea deals.

Legal Concepts & Doctrine Surrounding the Standard Conditions

- Voluntariness and the mens rea necessary for contracts and plea agreements.
- The 8th Amendment's prohibition on cruel and unusual punishment.
- Justice is supposed to be blind...
- Incarceration is "supposed" to be rehabilitative, rather than punitive in nature.





Efforts to Reform the Standard Conditions

- Ending pretrial supervision in the entirety.
- Increasing the allocation of resources to the pretrial monitoring system.
- Requiring judges to enumerate the Standard Conditions.
- Selective enforcement of the Standard Conditions.
- Legal reforms – including diversion and changes to statutory presumptions.



A Better Path Forward...

- Reverse the presumption of community danger for specified offenses -- modify the requirements of being granted pretrial release.
- Properly resource pretrial monitoring systems – including expanding the hours during which supervisory offices operate.
- Remove all Standard Conditions – other than continued lawful behavior.
- Require judges to enumerate the Standard Conditions in their colloquies.



Thank you for Listening!

And remember, don't commit crimes!

... And if you do, don't get arrested!

...and if you get arrested, just be rich, it'll all be okay!